

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 14, 1956
10:00 A.M.

Council Chamber, City Hall

THE STATE OF TEXAS |
COUNTY OF TRAVIS |
CITY OF AUSTIN |

ON THIS the 14th day of June, 1956, the City Council of the City of Austin, Texas, convened in regular session at the regular meeting place thereof in the City Hall. The meeting was called to order, with Mayor Miller presiding. The roll was called showing the following:

PRESENT: Tom Miller, Mayor, Ben White, Councilman, Emma Long, Councilman, Lester E. Palmer, Councilman

ABSENT: Wesley Pearson;

when, among other proceedings had, were the following:

Councilman White introduced a resolution and moved its adoption. The motion, was seconded by Councilman Palmer, The motion, carrying with it the adoption of the resolution, prevailed by the following vote:

AYES: Mayor Miller and Councilmen Long, Palmer, White

NOES: None

ABSENT: Councilman Pearson

The RESOLUTION is as follows:

WHEREAS, the City Council of the City of Austin, Texas, has heretofore on the 23rd day of February, 1956, entered into a contract with Maufrais Brothers, Inc., Contractors, Austin, Texas, for the general construction of a Swimming Pool (not including plumbing) in Northwest Park in the City of Austin; and,

WHEREAS, the City's engineer has recommended that certain changes be made in the contract as awarded to said Maufrais Brothers, Inc., and has issued Change Order No. 3, dated May 14, 1956, Change Order No. 4, dated May 15, 1956, Change Order No. 5, dated May 15, 1956, Change Order No. 6, dated May 22, 1956,

Change Order No. 7, dated May 28, 1956, Change Order No. 8, dated June 7, 1956, and Change Order No. 9, dated June 7, 1956; and,

WHEREAS, the City Council of the City of Austin, Texas, has heretofore on the 28th day of February, 1956, entered into a contract with C. Ben Hibbetts for the general construction of a Bath House (including bathhouse plumbing) in Northwest Park in the City of Austin; and,

WHEREAS, the City's engineer has recommended that certain changes be made in the contract as awarded to said C. Ben Hibbetts and has issued Change Order No. 1, dated May 21, 1956, Change Order No. 2, dated May 21, 1956, and Change Order No. 3, dated June 5, 1956; and,

WHEREAS, said change orders have been approved by the City Manager for and on behalf of the City of Austin; and,

WHEREAS, the City Council desires to approve such changes in the contracts heretofore awarded to the said Maufrais Brothers, Inc. and C. Ben Hibbetts, and to ratify and approve the execution and approval of such change orders by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the changes recommended by the engineer for the City of Austin, Texas, in the contract entered into by and between the City of Austin, Texas, and Maufrais Brothers, Inc., Austin, Texas, for the general construction of a Swimming Pool (not including plumbing) in Northwest Park in the City of Austin, be and the same are hereby, approved.

That the execution and approval of Change Order No. 3, dated May 14, 1956, Change Order No. 4, dated May 15, 1956, Change Order No. 5, dated May 15, 1956, Change Order No. 6, dated May 22, 1956, ordering such changes by W. T. Williams, Jr., as City Manager, and Change Order No. 7, dated May 28, 1956, Change Order No. 8, dated June 7, 1956, and Change Order No. 9, dated June 7, 1956, ordering such changes by Warren T. Blodgett, acting as City Manager, for and on behalf of the City of Austin, be, and the same is hereby approved and ratified.

That the changes recommended by the engineer for the City of Austin, Texas, in the contract entered into by and between the City of Austin, Texas, and C. Ben Hibbetts for the general construction of a Bathhouse (including bathhouse plumbing) in Northwest Park, in the City of Austin, be, and the same are hereby approved.

That the execution and approval of Change Order No. 1, dated May 21, 1956, and Change Order No. 2, dated April 24, 1956, ordering such changes by W. T. Williams, Jr., City Manager, and Change Order No. 3, dated June 5, 1956, ordering such change, by Warren T. Blodgett, acting as City Manager, for and on behalf of the City of Austin, be, and the same is hereby, approved and ratified.

ADOPTED AND APPROVED this 14th day of June, 1956.

(Sgd) Tom Miller
Mayor, City of Austin, Texas

ATTEST:

(Sgd) Elsie Woosley
City Clerk, City of Austin, Texas

APPROVED: (Sgd) Doren R. Eskew
City Attorney, City of Austin,
Texas.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

AUTHORIZING THE CITY MANAGER TO PUBLISH NOTICE OF THE INTENTION OF THE CITY COUNCIL TO ISSUE NOT EXCEEDING \$20,000.00 WARRANTS OF THE CITY OF AUSTIN, TEXAS, FOR THE PURPOSE OF EVIDENCING THE INDEBTEDNESS OF THE CITY OF AUSTIN TO BE INCURRED IN IMPROVING AND EQUIPPING PARKS AND PLAYGROUNDS IN SAID CITY, INCLUDING ARCHITECT'S AND ENGINEER'S FEE IN CONNECTION THEREWITH AND ALL EXPENSES NECESSARY AND INCIDENTAL THERETO.

WHEREAS, the City Council of the City of Austin, Texas, deems it advisable and necessary, and to the best interests of the citizens of Austin, to construct improvements and purchase equipment for parks and playgrounds in the City of Austin; and,

WHEREAS, the City Council deems it advisable and necessary to issue interest-bearing time warrants of said City for the purpose of evidencing the indebtedness of the City of Austin to be incurred in improving and equipping such parks and playgrounds, including architect's and engineer's fee in connection therewith and all expenses necessary and incidental thereto; and,

WHEREAS, it is proper and necessary that the City Council give notice of its intention to issue such interest bearing time warrants;

BE IT RESOLVED BY THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized, ordered and instructed to do all things necessary and/or convenient to have published the notice required by Chapter 163, Acts of the Regular Session of the Forty-second Legislature of Texas, as amended; that said notice shall signify the intention of the City Council of said City to issue not exceeding Twenty Thousand Dollars (\$20,000.00) of interest-bearing time warrants, to mature serially, the maximum maturity of which shall be not later than ten (10) years from their date, to bear interest at a rate not to exceed two (2%) per cent per annum, and to be payable out of an ad valorem tax to be levied against the taxable property in said City, such time warrants to be issued for the purpose of evidencing the indebtedness of the City of Austin to be incurred in improving and equipping parks and playgrounds in said City, including architect's and engineer's fee in connection therewith and all expenses necessary and incidental thereto.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

AUTHORIZING THE CITY MANAGER TO PUBLISH NOTICE TO BIDDERS FOR THE CONSTRUCTION AND INSTALLATION OF SIDEWALKS, PARKING AREAS, SERVICE DRIVES, MISCELLANEOUS GRADING, WATER

SYSTEM AND ELECTRIC SYSTEM IN NORTHWEST PARK, AND NOTICE
OF INTENTION TO ISSUE WARRANTS IN PAYMENT OF ALL OR A PART
OF THE CONTRACT PRICE.

WHEREAS, the City Council of the City of Austin, Texas, deems it advisable and necessary, and to the best interest of the citizens of the City of Austin to construct improvements and purchase equipment for parks and playgrounds in the City of Austin; and,

WHEREAS, the City Council deems it advisable and necessary to issue interest bearing time warrants of said City for the purpose of evidencing the indebtedness of the City of Austin to be incurred in improving and equipping such parks and playgrounds, and for all expenses necessary and incidental thereto; and,

WHEREAS, the City Council deems it advisable and to the best interests of said City to now give notice to bidders for the construction and installation of sidewalks, parking areas, service drives, miscellaneous grading, water system, and electric system in Northwest Park, and notice of intention of the City to pay all or a part of the contract price by the issuance and delivery of such interest bearing time warrants; Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized, ordered and instructed to cause the following NOTICE TO BIDDERS to be given and published in some newspaper of general circulation published in the City of Austin once each week for two consecutive weeks prior to the time set for receiving bids and passing the ordinance authorizing the issuance of the warrants, the date of first publication to be at least fourteen (14) full days prior to the date set for receiving bids and passing the ordinance authorizing the issuance of said warrants:

NOTICE TO BIDDERS
AND
NOTICE OF INTENTION TO ISSUE TIME WARRANTS

Sealed proposals addressed to the City of Austin, Texas, will be received at the Office of the Director of Public Works, City Hall, Austin, Texas, until 10:00 A.M., Central Standard Time, on July 6, 1956, and then publicly opened and read, for furnishing all necessary materials, machinery, equipment, superintendence, and labor required for the construction and installation of sidewalks, parking areas, service drives, miscellaneous grading, water system, and electric system in Northwest Park, in the City of Austin, Texas.

Proposals may be submitted separately or combined, and the City of Austin reserves the right to waive any or all informalities in the bids and to reject any and all bids or to accept the bid of the lowest and best responsible bidder. Any bid received after bidding time will be returned unopened.

Copies of the plans and specifications and other contract documents may be examined without charge at the Office of the Director of Public Works of the City of Austin, and may be procured from that office upon a deposit of Twenty-five (\$25.00) Dollars as a guarantee as to the safe return of the plans and specifications, the full amount of which will be repaid upon the return

of plans and specifications within five days after receipt of bids.

All proposals must be accompanied by a cashier's or certified check upon a national or state bank, or an acceptable bid bond from a reliable surety company authorized to do business in the State of Texas, payable without recourse to the City of Austin, in an amount not less than 5% of the largest possible total for the bid submitted, including the consideration of additive alternates, as a guarantee that, if awarded the contract, the bidder will promptly enter into a contract and execute bond in the forms provided as outlined in the specifications and instructions to bidders. A performance bond of one hundred (100%) per cent of the contract price will be required.

Attention is called to the fact that not less than the minimum wage rate prevailing in the locality in which the work is performed for work of a similar character, and not less than the general prevailing rate of per diem wages for legal holidays and overtime work, shall be paid to all laborers, workmen and mechanics employed in the construction of public works, and the general prevailing rates in the City of Austin may be obtained from the Office of the Director of Public Works of the City of Austin. In general, these wage rates are as follows:

- For skilled workers \$1.30 to \$3.50 per hour
- For semi-skilled workers. 0.90 to \$1.30 per hour
- For unskilled workers 0.85 per hour
- Over-time work 1 1/2 time scale
- Holidays - extra pay under certain circumstances

NOTICE IS ALSO GIVEN that it is the intention of the City of Austin to pay all or a part of the contract price by the issuance and delivery of interest bearing time warrants in an amount not exceeding \$20,000.00, authorized by the City Council on the 23rd day of February, 1956, for the purpose of evidencing the indebtedness of the City of Austin to be incurred in the purchase, acquisition, construction, improvement and equipment of parks and playgrounds in the City of Austin, and for all expenses necessary and incidental thereto; said warrants to bear interest at a rate not to exceed two (2%) per cent per annum and having a maximum maturity date not later than ten (10) years from their date.

The City will make arrangements for the contractor to dispose of the warrants herein mentioned at not less than par, and the contractor must agree to deliver the warrants at such price to the party with whom the City has made such arrangements.

GIVEN PURSUANT to a resolution adopted by the City Council of the City of Austin, Texas, on the 14th day of June, 1956.

/s/ W. T. Williams, Jr.
City Manager, City of Austin, Texas

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Invocation was delivered by REV. CHAS. L. DICKEY, St. Andrews Presbyterian Church, 2011 Koenig Lane.

Councilman White moved that the Minutes of June 7th, 1956 be approved with corrections noted by Councilman Long, pertaining to the mentioning of accepting the low bid of Joe Bland for the construction of 18,279 linear feet of sanitary sewers and appurtenances in the Montopolis Area. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

MRS. PAULINE BROWN, and the Clarksville Mother's Recreation Club, appeared before the Council asking for a platform, wading pool, sanitary facilities, tennis court, softball diamond, drinking fountain and adequate lights for the Clarksville Playground. She stated there were between 75 and 100 children daily that used this playground. She filed a petition. The Mayor stated this request would be turned over to the Head of the Recreation Department, and that the Council would study it also and give them a report back on it.

MR. HERBERT SMART, regarding the zoning application of T. T. TALLEY, stated he and Mr. Trueman E. O'Quinn, attorney for the applicant, would get with the City Attorney and work out something that would be satisfactory in an ordinance by next week.

The Council had before it the following appeal of a short form subdivision:

MRS. MARIE HILLIARD POLK 3903 East 19th Street
Frankie Hilliard Subdivision

Mrs. Catherine Owens, daughter of Mrs. Marie Hilliard Polk, came before the Council appealing the decision of the Planning Commissions denial of the short form subdivision. The following report was filed by the Director of Planning, who also made an oral report:

"June 13, 1956

"TO: Terrell Blodgett, Acting City Manager
FROM: V. L. Mike Mahoney, Director of Planning

SUBJECT: Short form Subdivision

File: C8s-56-63

"Attached herewith is a print of subdivision C8s-56-63 which was submitted under short form procedure on June 1, 1956 for Marie Hilliard Polk by her attorney Victor Rogers.

"Mr. Rogers, prior to submitting the plat to the Planning Department, obtained the approval of other departments affected. On receipt of the plat in the Planning Department it was checked and found to be incomplete and incorrect in form as follows:

"(1) Scale was not shown at 1" equals 100' as required by ordinance.

- "(2) The lot lines of adjoining lots were not shown. These were added, as shown on the attached print, by planning personnel who found that the applicants lot included a part of record lot 2 of the Frankie Hilliard Subdivision.
- "(3) Record lot 2 meets the subdivision ordinance, but under the proposed resubdivision would have less than the required 9000 square feet of lot area for septic tank installation.
- "(4) The proposed new lot is only 50' wide instead of 60' as required for septic tank lots.
- "(5) The proposed new lot has an area of 7500 square feet instead of the required 9000 square feet for a septic tank lot.

"As a courtesy to the applicant, E. N. Stevens of the Planning Department on the afternoon of the Commission Meeting telephoned Mr. Rogers and gave him personal notice of the above problems and of the Planning Commission Meeting at which the plat would be considered. Mr. Stevens inquired whether Mr. Rogers would be present, and Mr. Rogers declined to attend.

"The subdivision proposal was filed with the Planning Commission at its meeting of June 5, 1956 with recommendation by the Planning Staff that the Commission consider the problems listed above. No one appeared at the Commission Meeting to support the request for variance from the lot width or lot area requirements; nor was any evidence submitted supporting the request. The health unit had reported that septic tanks could operate satisfactorily on this proposed new lot. In review of the factors presented the Planning Commission therefore DISAPPROVED the proposed plat.

"On Friday, June 8, the Planning Department learned that a house has been located on this tract the past 10 years or so. Further inquiry was made of the Health Unit. On June 12, Mr. M. H. Strickland, Sanitarian, certified the existence of the house, and submitted the following comments:

- "(1) If no house existed on the tract, the proposal would not have been recommended.
- "(2) The house is equipped with a sanitary flush toilet, served by septic tank, and is working satisfactorily.
- "(3) Soil conditions (gravel) in the area are generally favorable to a septic tank installation.
- "(4) If the septic system becomes inadequate the field lines can be extended to remedy the inadequacy.
- "(5) Although the Health Unit had incomplete information presented on the original proposal, it concluded that the present record lot, lot 2, would not be adversely affected by minor reductions in its lot area.

"On Friday, June 8, Mr. Rogers filed with the City Clerk a request for review of the Planning Commission's action."

After discussion, Councilman Long moved that the short form subdivision plat be approved and that water be given on this particular lot, and the Water Department be notified to put it in. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

MAYOR MILLER announced a meeting called tentatively for Wednesday night with the Greater East Austin Development Committee, the City Council, and Home Builders, and that MR. ROBERT C. ROBINSON, Regional Director of urban renewal programs, Federal Housing and Home Administration, would be invited down.

MR. HERMAN JONES expressed gratitude to the Council from many people for making the swimming pool in the Northwest Park one of the finest, and he foresaw that Austin would be the swimming capitol of Texas from now on instead of Tyler. The Austin Aquatic Club had attracted many youngsters in competitive swimming, and was grateful for this fine swimming pool.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in NORTH LOOP BOULEVARD, from a point 137 feet east of Jim Hogg Avenue easterly 60 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said NORTH LOOP BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in LEWIS LANE, from West 42nd Street southerly 223 feet, the centerline of which gas main shall be 4 feet east of and parallel to the west property line of said LEWIS LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in POST ROAD DRIVE, from South 1st Street to Wilson Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said

POST ROAD DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in KREBS LANE, from South 1st Street to Wilson Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said KREBS LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WILSON STREET, from Fort McGruder Lane northerly 664 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WILSON STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in EXPOSITION BOULEVARD, from a point 292 feet south of Mountain Laurel Drive northerly to Mountain Laurel Lane, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said EXPOSITION BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in MOUNTAIN LAUREL DRIVE, from Exposition Boulevard westerly 1014 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said MOUNTAIN LAUREL DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in MOUNTAIN LAUREL LANE, from Exposition Boulevard southerly to Mountain Laurel Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said MOUNTAIN LAUREL LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in PRADO STREET, from a point 96 feet east of Pleasant Valley Road westerly 47 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said PRADO STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in EAST 13TH STREET, FROM San Bernard Street easterly 81 feet, the centerline of which gas main shall be 22 feet north of and parallel to the south property line of said EAST 13TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in WALTON LANE, from a point 705 feet north of Bolm Road northerly 296 feet, the centerline of which gas shall be 4 feet west of and parallel to the east property line of said WALTON LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(12) A gas main in CHALMERS AVENUE, from Riverview Street southerly 772 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said CHALMERS AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(13) A gas main in RIDGEHAVEN DRIVE, from a point 17 feet west of the west property line of Berkman Drive easterly 81 feet across Berkman Drive, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said RIDGEHAVEN DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(14) A gas main in BERKMAN DRIVE, from Ridgehaven Drive northerly 275 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BERKMAN DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(15) A gas main in NORTHRIDGE DRIVE, from Berkman Drive to Manor Hills Boulevard, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said NORTHRIDGE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(16) A gas main in DELWOOD DRIVE, from Northridge Drive southerly 166 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said DELWOOD DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(17) A gas main in EAST SIDE DRIVE, from a point 147 feet south of East Live Oak Street northerly 180 feet, the centerline of which gas main shall be 12 feet east of and parallel to the west property line of said EAST SIDE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(18) A gas main in EAST LIVE OAK STREET, from the west property line of East Side Drive easterly 30 feet, the centerline of which gas main shall be 22 feet south of and parallel to the north property line of said EAST LIVE OAK STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(19) A gas main in ARROWHEAD DRIVE, from a point 115 feet east of Caprice Drive easterly to Highland Crest Drive the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ARROWHEAD DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(20) A gas main in HIGHLAND CREST DRIVE, from a point 157 feet north of Arrowhead Drive southerly to Western Hills Drive, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said HIGHLAND CREST DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(21) A gas main in WESTERN HILLS DRIVE, from Highland Crest Drive westerly 993 feet, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said WESTERN HILLS DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(22) A gas main in WESTERN HILLS DRIVE, from Highland Crest Drive easterly 230 feet, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said WESTERN HILLS DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(23) A gas main in LUCAS LANE, from Western Hills Drive southerly 148 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said LUCAS LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southwest corner of the intersection of West 42nd Street and Lamar Blvd., which property fronts 82.0 feet on West 42nd Street and 125.0 feet on Lamar Blvd., and being known as the east 82.0 feet of Lots 13, 14 and 15 of Block 3 of Lee's Hill Addition and all of Lots 11 and 12 of Block 3 of Lee's Hill Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Reed-Phillips Oil Company to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances

relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic, and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Reed-Phillips Oil Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 14, 1956

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Reed-Phillips Oil Company to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest corner of the intersection of West 42nd Street and Lamar Blvd., which property fronts 82.0 feet on West 42nd Street and 125.0 feet on Lamar Blvd., and being known as the east 82.0 feet of Lots 13, 14 and 15 of Block 3 of Lee's Hill Addition and all of Lot 11 and 12 of Block 3 of Lee's Hill Addition in the City of Austin, Travis County, Texas and the property upon which this filling station is to be located is owned by Reed-Phillips Oil Company, and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Reed-Phillips Oil Company be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction for the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - C - 2105.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2 - C - 2105 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted:
(Sgd) S. Reuben Rountree, Jr.
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the Council would hold its regular meeting on TUESDAY, JULY 3rd, instead of Thursday July 5th this year.

The Council welcomed and greeted MR. CLINTON JACKSON, Hereford, Texas, and MR. LEONARD HICKS, JR., Austin, brother and brother-in-law of Councilman Long.

The Director of Public Works filed the Voluntary Paving Report for May.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN PORTION OF GASTON AVENUE WHICH EXTENDS FROM THE INTERSECTION OF GASTON AVENUE AND JEFFERSON STREET WESTERLY TO THE EAST RIGHT OF WAY LINE OF THE I. & G.N. RAILROAD, AND THAT CERTAIN PORTION OF OAKMONT BOULEVARD WHICH EXTENDS FROM THE INTERSECTION OF OAKMONT BOULEVARD AND GASTON AVENUE, NORTHERLY FOR A DISTANCE OF APPROXIMATELY ONE HUNDRED SIXTY-FOUR FEET (164); RETAINING AN EASEMENT FOR PUBLIC UTILITIES WHICH ARE NOW IN PLACE IN SAID STREETS; RETAINING AN EASEMENT ACROSS OAKMONT BOULEVARD FOR DRAINAGE; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF CERTAIN STREETS OR PORTIONS OF STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN,

FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OR TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH MAGNOLIA PETROLEUM COMPANY; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING ST. JOHNS AVENUE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY LEE MANERS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Councilman Long asked that the property of LOUISE DAVIS on Lott Avenue and Webberville Road be considered for purchase for park purposes.

There being no further business the Council adjourned at 11:10 A.M. subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Elaine Thorsley
City Clerk